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No. 680

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

THE DELAWARE AND HUDSON RAILROAD CORPORATION,

Appellant,

against

UNITED STATES OF AMERICA, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

MOTION TO ADVANCE

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Comes now appellant, The Delaware and Hudson Railroad Corporation, and moves this Court to establish an expedited procedure for determination of appellant's appeal from the order of the District Court of three judges denying an interlocutory injunction to enjoin the operation of, and the taking of any steps to make effective, orders of the Interstate Commerce Commission (324 I. C. C. 475, as modified by its Report and Order of September 16, 1966) permitting immediate consummation of a merger of the Pennsylvania Railroad Company and the New York Central Railroad Company. The appellant respectfully refers to its Jurisdictional Statement for discussion of the substantial questions involved on this appeal.

The Baltimore and Ohio Railroad Company *et al.* (No. 642, October Term, 1966) have previously filed an appeal from the same order and have moved to have the appeal advanced by the Court. As stated in the aforesaid motion

of Baltimore and Ohio Railroad Company *et al.*, "the immediate threat of consummation of the Penn-Central merger, the expressed desire of the Commission for expeditious action, and the necessity for determination of the issues by this Court prior to consummation of that merger" indicate the compelling need for expedited review by this Court.

WHEREFORE, appellant prays that this Court enter an order establishing an expedited procedure for the determination of the appeal in this case and setting dates for the filing of briefs by various appellants and by appellees and for oral argument.

Respectfully submitted,

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